

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Jimmy L. Morales, City Manager
DATE: December 4, 2020

First Reading

SUBJECT: CHAPTER 18 - HERITAGE BUSINESS ESTABLISHMENTS

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 18 OF THE MIAMI BEACH CITY CODE, ENTITLED "BUSINESSES," BY CREATING ARTICLE XVIII, ENTITLED "MIAMI BEACH HERITAGE BUSINESS REGISTRY"; BY CREATING SECTION 18-930, ENTITLED "PURPOSE," AND SECTION 18-931, ENTITLED "MINIMUM REQUIREMENTS, CRITERIA, AND PROCEDURE FOR DESIGNATION OF HERITAGE BUSINESS ESTABLISHMENTS," TO CREATE THE MIAMI BEACH HERITAGE BUSINESS REGISTRY, AND ESTABLISH THE PURPOSE, MINIMUM REQUIREMENTS, CRITERIA, AND PROCEDURE FOR THE DESIGNATION OF QUALIFIED BUSINESSES AS HERITAGE BUSINESS ESTABLISHMENTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

RECOMMENDATION

The administration recommends that the City Commission approve the ordinance at first reading and set a second reading for January 13, 2021.

BACKGROUND/HISTORY

At the request of Mayor Dan Gelber, the administration drafted an amendment to Chapter 18 of the City Code, to establish a process for recognizing heritage businesses in the City of Miami Beach.

ANALYSIS

The attached draft ordinance creates a process for establishing heritage designation for eligible existing businesses. Under the draft ordinance proposed, an existing business may qualify for this type of designation if certain criteria are met. In order to qualify, the establishment must be a commercial entity, open to the public, including but not limited to restaurants, drinking establishments, and retail uses. If an existing, qualifying business has been in operation for at least 25 years, and is in good standing with no pending or active City code violations, the City Manager may nominate the business for heritage designation provided the business meets at least three of the following criteria:

1. The establishment is unique to Miami Beach and the original location of the establishment was in Miami Beach.
2. The establishment has a demonstrated record of promoting the City of Miami Beach in a positive manner.
3. The establishment has significantly contributed to the history or identity of the City, or a neighborhood in the City.
4. The establishment is committed to maintaining the unique physical features, services, arts, performances or traditions that define the business, including, but not limited to craft, culinary, or art forms.

The City Commission may, by resolution and a 4/7th vote, approve or deny a nomination of the City Manager regarding a heritage business designation.

For comparison purposes, the administration researched three cities similar in size to Miami Beach that had a Legacy Business program. These were San Francisco, California; North Miami, Florida; and San Antonio, Texas. The following is a summary of each of the programs:

San Francisco - Legacy Business Historic Preservation Fund

The program provides visibility for the business and authorizes the business to participate in the Legacy Business Historic Preservation Fund. The proposed business is nominated for consideration by the Mayor or a member of the Board of Supervisors. Additionally, the Small Business Commission, after a noticed hearing, must determine that the nominated business meets following criteria:

- The business has operated in San Francisco for 30 or more years, with no break in San Francisco operations exceeding two years. If the business has operated in San Francisco for more than 20 years but less than 30 years it may still satisfy this criteria if the Small Business Commission finds that the business has significantly contributed to the history or identity of a particular neighborhood or community and, if not included in the Registry, the business would face a significant risk of displacement.
- The business has contributed to the neighborhood's history and/or the identity of a particular neighborhood or community.
- The business is committed to maintaining the physical features or traditions that define the business, including craft, culinary, or art forms.

North Miami - Legacy Business Stabilization Grant Program

Participants must be a small business operating within the City of North Miami for at least 15 years. Applicants of the Legacy Business Stabilization Grant Program shall comply with those provisions of the City's local adopted codes regarding possessing a Certificate of Use and Business Tax Receipt. For the purposes of this CDBG program, small businesses will be identified through the following criteria:

- No more than ten (10) employees who are within low to moderate income range.
- Must not be part of a national chain, franchise or have city liens or code violations.
- Business can be non-profit or for-profit.
- Must submit letter of intent and provide evidence of need for assistance with documents such as invoices, purchase order or service contracts.
- Must be a legacy business and have been operating in North Miami for at least 15 years (proof includes any one of the following: incorporations prior to 2005, income tax return prior to 2005, utility bill prior to 2005, or rental lease prior to 2005).
- The business owner must demonstrate an "Active" status in the Florida Department of State, Division of Corporations.

- Cannot simultaneously apply for other North Miami grants funded under CDBG-CV allocation.
- More than one application submitted for the same business, business owner, family member, or partners will not be considered.
- Applicant must be a U.S. Citizen or permanent resident alien.
- Applicant must not have received a CRA grant, City of North Miami Green Rehabilitation or U.S. Small Business Administration grant in the last five (5) Years.
- First come first served processing.

San Antonio - Legacy Designation

Businesses that have existed for 20 years or more and meet at least one of the following criteria are eligible for legacy designation:

- Owned by generations of the same family.
- Provides authentic goods or services.
- Cultivates tradition and culture.
- Located in a landmark or historic district.
- Eligible and willing to be a landmark.

UPDATE

The subject ordinance was placed on the November 18, 2020 City Commission agenda and deferred to December 4, 2020.

CONCLUSION

The administration recommends that the City Commission approve the ordinance at first reading and set a second reading for January 13, 2021.

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

Legislative Tracking

Planning

Sponsor

Mayor Dan Gelber

ATTACHMENTS:

Description

- Ordinance

Chapter 18 – Heritage Business Establishments

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 18 OF THE MIAMI BEACH CITY CODE, ENTITLED "BUSINESSES," BY CREATING ARTICLE XVIII, ENTITLED "MIAMI BEACH HERITAGE BUSINESS REGISTRY"; BY CREATING SECTION 18-930, ENTITLED "PURPOSE," AND SECTION 18-931, ENTITLED "MINIMUM REQUIREMENTS, CRITERIA, AND PROCEDURE FOR DESIGNATION OF HERITAGE BUSINESS ESTABLISHMENTS," TO CREATE THE MIAMI BEACH HERITAGE BUSINESS REGISTRY, AND ESTABLISH THE PURPOSE, MINIMUM REQUIREMENTS, CRITERIA, AND PROCEDURE FOR THE DESIGNATION OF QUALIFIED BUSINESSES AS HERITAGE BUSINESS ESTABLISHMENTS; AND PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, certain businesses in the City of Miami Beach have a lengthy history, established following, and unique identity, and contribute significantly to the character and history of the City; and

WHEREAS, the Mayor and City Commission hereby determine that there is an essential need to recognize heritage business establishments throughout the City, and this recognition will serve the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

SECTION 1. Article XVIII of Chapter 18 of the Code of the City Miami Beach is hereby created as follows:

CHAPTER 18 – BUSINESSES

* * *

ARTICLE XVIII. MIAMI BEACH HERITAGE BUSINESS REGISTRY

Sec. 18-930. Purpose.

The purpose of this article is to create the Miami Beach Heritage Business Registry, in order to formally recognize and honor longstanding business institutions that have contributed to and define the cultural and historical identity of Miami Beach.

Sec. 18-931. Minimum requirements, criteria, and procedure for designation of heritage business establishments.

- (a) The Miami Beach Heritage Business Registry is hereby created and shall be maintained by the City Manager. Subject to the approval of the City Commission, as provided herein, the City Manager may, from time to time, nominate qualified businesses in the City of Miami Beach for designation as heritage business establishments, subject to the minimum requirements and criteria set forth in this section.

(b) *Minimum requirements and criteria.* To be eligible for designation as a heritage business establishment and listed on the Heritage Business Registry, a business must satisfy each of the following minimum requirements and applicable criteria:

- (1) The business must be a commercial establishment that is open to the public including, without limitation, a retail establishment, restaurant, drinking establishment, or other commercial establishment.
- (2) The business must have operated continuously in Miami Beach for at least 25 years.
- (3) At the time of its nomination, the business may have no active or pending violations of the City Code.
- (4) The City Manager or City Manager's designee must find that the business meets at least three of the following criteria:
 - (A) The establishment is unique to Miami Beach, and the original location of the establishment is located in Miami Beach.
 - (B) The establishment has a demonstrated record of promoting the City of Miami Beach.
 - (C) The establishment has contributed significantly to the history or identity of the City, or of a particular City neighborhood.
 - (D) The establishment has demonstrated a commitment to maintaining the unique physical features, services, performances, customs, or traditions that define the business, including, but not limited to design, crafts, cuisine, special events, or art forms.

(c) *Nomination and approval.* The City Manager may, from time to time, nominate qualified businesses for designation as heritage business establishments; alternatively, a request to nominate a business for designation as a heritage business establishment may be submitted by the owner/operator of the business. In order to nominate a business for heritage designation and listing on the Miami Beach Heritage Business Registry, the City Manager shall prepare a written recommendation detailing whether the business meets the minimum requirements and criteria set forth in this section, and shall present the recommendation to the City Commission at its next regularly scheduled meeting. A resolution adopted by majority vote of the city commission shall be required to designate a business as a heritage business establishment and list the business on the City's Heritage Business Registry.

SECTION 2. REPEALER.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith be and the same are hereby repealed.

SECTION 3. CODIFICATION.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 4. SEVERABILITY.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 5. EFFECTIVE DATE.

This Ordinance shall take effect ten days following adoption.

PASSED AND ADOPTED this _____ day of _____, 2020.

Dan Gelber, Mayor

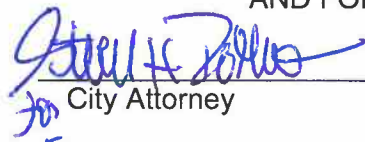
ATTEST:

Rafael E. Granado, City Clerk

First Reading: November 18, 2020

Second Reading: December 9, 2020

APPROVED AS TO FORM
AND LANGUAGE
AND FOR EXECUTION



City Attorney

11/16/2020

Date

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